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VIA E-MAIL (R4FOIA@EPA.GOV)

Regional Freedom of Information Officer
U.S. EPA Region 4
Atlanta Federal Center, 9th Floor
61 Forsyth Street, SW (4PM-IF)
Atlanta, GA 30303-8960

Re: **Freedom of Information Act Request**

Dear Regional FOIA Officer:

Please accept this request for information pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the U.S. Environmental Protection Agency's ("EPA") FOIA regulations at 40 C.F.R. Part 2. This request is submitted on behalf of my firm's client, the Drummond Company, Inc., and seeks certain information related to EPA's involvement in two studies performed by the Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry ("CDC/ATSDR"). The first study is entitled, *Assessment of Soil Exposures in Communities Adjacent to the Walter Coke, Inc. Site (a/k/a 35th Avenue Coke Site), Birmingham, AL* (Aug. 1, 2013) ("First 35th Avenue Study"). The second study is entitled, *Evaluation of Surface Soil and Garden Produce Exposures, 35th Avenue Site, Birmingham, Alabama* (July 22, 2015) ("Second 35th Avenue Study").

Specifically, this FOIA request seeks the following information:

- Any and all internal EPA communications related to the First 35th Avenue Study, the Second 35th Avenue Study, or both;
- Any and all EPA communications with any member of CDC/ATSDR related to the First 35th Avenue Study, the Second 35th Avenue Study, or both; and
- To the extent not included within the items above, copies of any and all documents provided by EPA to CDC/ATSDR in connection with CDC/ATSDR's performing the First 35th Avenue Study or Second 35th Avenue Study or preparing the reports therefor.

We believe the information requested above is public information subject to mandatory disclosure under FOIA. However, should EPA believe that any responsive information may be exempt from mandatory disclosure under one of FOIA's exemptions, we respectfully request that EPA exercise its discretion to nonetheless provide such information, in accordance with the public policy of

the United States government.¹ If EPA intends to withhold any responsive records or portions thereof, please provide all "reasonably segregable portion[s]"² of such records and identify any withheld information and the specific basis or bases for each withholding.

I am willing to pay the costs associated with this FOIA request up to \$500 without further authorization. Should you anticipate the FOIA response costs exceeding this amount, please contact me as soon as possible to discuss further cost assurance. Thank you for your attention to this matter. Should you have any questions regarding this FOIA request, please do not hesitate to contact me.

Sincerely,

BALCH & BINGHAM LLP



Tal Simpson

¹ See *Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act*, 74 Fed. Reg. 4683 (Jan. 21, 2009); *Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act*, 74 Fed. Reg. 51879 (Oct. 8, 2009).

² See 5 U.S.C. § 552(b) (sentence immediately following exemptions);